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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Eugene Nunnery,

Petitioner

v.

William Gittere, et al.,

Respondents

Case No.: 3:19-cv-00618-JAD-WGC

**Order Granting in Part Application to  
Proceed *In Forma Pauperis* and  
Appointing Counsel**

[ECF Nos 1, 4]

After a jury trial, petitioner Eugene Nunnery was found guilty of multiple charges and sentenced to death for a first-degree murder conviction.<sup>1</sup> He now petitions for a writ of habeas corpus.<sup>2</sup> I have reviewed his petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, and I find it worthy of service upon the respondents.

Nunnery also filed an application for leave to proceed *in forma pauperis*<sup>3</sup> and requests appointed counsel.<sup>4</sup> His financial certificate is incomplete, so I decline to waive the filing-fee requirement. It does appear, however, that Nunnery lacks the resources necessary to employ counsel for this capital habeas corpus action, so I grant him pauper status for all other purposes in this case, and I appoint counsel to represent him.

Accordingly, IT IS HEREBY ORDERED that Nunnery's application to proceed *in forma pauperis* [ECF No. 1] is **GRANTED in part and DENIED in part**. Nunnery is granted leave to

<sup>1</sup> *Nunnery v. State*, 263 P.3d 235, 241 (Nev. 2011).

<sup>2</sup> ECF No. 2.

<sup>3</sup> ECF No. 1.

<sup>4</sup> ECF No. 4.

1 proceed *in forma pauperis* in all respects other than payment of the filing fee, which has already  
2 been paid.

3 IT IS FURTHER ORDERED that Nunnery's motion for appointment of counsel [ECF  
4 No. 4] is **GRANTED**. The Federal Public Defender for the District of Nevada is appointed to  
5 represent Nunnery. The Federal Public Defender will have **until November 12, 2019**, to file  
6 either a notice of appearance as counsel or a notice indicating its inability to represent Nunnery  
7 in these proceedings.

8 The **Clerk of Court** is directed to **electronically SERVE a copy of this order on the**  
9 **Federal Public Defender** for the District of Nevada. The **Clerk of Court** is also directed to  
10 **ADD Aaron D. Ford**, Attorney General of the State of Nevada, as counsel for respondents.

11 Finally, the **Clerk of Court** is directed to **electronically SERVE** upon respondents a  
12 **copy of Nunnery's petition (ECF Nos. 2/3) and a copy of this order**. Respondents have **until**  
13 **November 12, 2019, to enter a notice of appearance**, but no further action in this case is  
14 required until the Court orders otherwise.

15 Dated: October 10, 2019

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18 U.S. District Judge Jennifer A. Dorsey  
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